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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of SAN DIEGO GAS &  
ELECTRIC COMPANY (U902E) for Approval  
of its Electric Vehicle-Grid Integration Pilot  
Program.

Application 14-04-014  
(Filed April 11, 2014)

And Related Matter.

Rulemaking 13-11-007

**JOINT ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGES'  
RULING ON THREE MOTIONS**

**Summary**

This ruling addresses three similar motions that were filed in the consolidated proceedings listed above. These motions are: (1) "Marin Clean Energy Motion to Consolidate Proceedings;" (2) "The Office of Ratepayer Advocates' Motion to Consolidate Proceedings and Implement Its Alternative Proposal for Deployment of Investor Owned Utility Electric Vehicle Infrastructure Pilots;" and (3) the "Joint Party Motion to Amend the Scope of the Rulemaking."

Today's ruling denies all three motions.

**1. Background**

The Commission opened Order Instituting Rulemaking (OIR) Rulemaking (R.) 13-11-007 in November, 2013 to address issues relating to expanding the use of alternative-fueled vehicles in California. This OIR was opened, in part, to support the Governor's Executive Order B-16-2012, which sets a target of 1.5 million zero-emission vehicles in California by 2025. The Governor's Order

directs the Commission, and other state agencies, to “facilitate the rapid commercialization of zero-emission vehicles.” San Diego Gas & Electric Company (SDG&E), Pacific Gas and Electric Company (PG&E), and Southern California Edison Company (SCE) are respondents to the OIR.

The OIR was consolidated with the application of SDG&E on September 29, 2014. SDG&E’s Application (A.) 14-04-014 is the first of the three large electric utilities to request authority to establish and implement a pilot program to encourage electric vehicle usage by integrating that usage with the electric grid and widespread deployment of plug-in electric vehicle (PEV) charging stations. SDG&E’s application proposes to contract for the installation of PEV charging stations at multi-unit dwellings and at workplaces, and to offer an hourly time-variant PEV charging rate to PEV owners. SDG&E proposes to own and operate the charging stations, and that it be allowed to include its capital investment in ratebase.

The two other electric utilities, SCE and PG&E, filed separate applications on October 30, 2014, and February 9, 2015, respectively. The applications of SCE and PG&E seek authority to establish and implement similar PEV programs.

SCE’s application (A.14-10-014) proposes a two part program consisting of a one-year pilot of up to 1500 PEV charging stations, and a second phase of up to a total of 30,000 charging stations. SCE also proposes to include its investments into ratebase. SCE proposes to conduct a market outreach and education program in both phases to increase customer awareness of PEVs, electric charging from the grid, and educating customers about the state’s carbon reduction goals and air quality. SCE proposes to own and maintain the supporting electrical infrastructure and charging outlet, but the site owner will

be allowed to choose who should own, operate, and maintain the PEV charging stations.

PG&E's application (A.15-02-009) proposes to establish and implement PEV charging stations at public facilities, workplaces, and multi-unit dwellings in its service territory, and to use time-variant pricing. PG&E proposes to own and operate these PEV charging stations, and to include these investments into ratebase. PG&E also proposes to engage in education and outreach to promote the use of PEVs.

On March 2, 2015, Marin Clean Energy (MCE) filed a motion in the above-captioned proceedings to consolidate SCE's A.14-04-014 and PG&E's A.15-02-009 with the SDG&E and OIR consolidated proceedings.

On April 13, 2015, the Office of Ratepayer Advocates (ORA) filed its motion in the above-captioned proceedings, as well as similar motions in SCE's A.14-10-014, and in PG&E's A.15-02-009, respectively. ORA's motion in these consolidated proceedings requests that SCE's A.14-10-014, and PG&E's A.15-02-009, be consolidated with R.13-11-007 and SDG&E's A.14-04-014.

The Joint Parties<sup>1</sup> filed their motion on April 13, 2015 to amend the scope of the OIR to address a set of fundamental policy questions (described later in this ruling) that they contend are present in all three utility applications.

Timely responses to the motions of MCE, ORA, and the Joint Parties, were filed in the above-captioned proceedings by various parties.<sup>2</sup> In addition, an all-party meeting was noticed, and held in all three utility applications and in the

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<sup>1</sup> The Joint Parties who filed this motion are composed of the following: California Energy Storage Alliance; Center for Sustainable Energy; Clean Coalition; Green Power Institute; Joint Minority Parties; MCE; Shell Energy North America (US), L.P.; The Utility Reform Network; and Utility Consumers' Action Network.

<sup>2</sup> Responses to the motions filed in SCE's A.14-10-014, and PG&E's A.15-02-009, were also filed by various parties in those respective proceedings.

OIR, on May 5, 2015. At the all-party meeting, the parties to these various proceedings were allowed the opportunity to address the various motions to consolidate the proceedings, or to amend the scope of the OIR.

## **2. Discussion**

### **A. Introduction**

We first note that the motions of ORA, and the Joint Parties, were filed two weeks before the scheduled start of evidentiary hearings (EHs) in the above-consolidated proceedings. Due to the timing of those two motions, and the motions in the applications of SCE and PG&E, we denied the April 20, 2015 motion of ORA and the Joint Parties to shorten the time for parties to respond to the April 13, 2015 motions, and for a ruling to issue on the April 13, 2015 motions by April 24, 2015. Six days of evidentiary hearings in the above-captioned proceedings were then held on April 27 through May 4, 2015.

At the EHs, an extensive record was developed concerning SDG&E's application, including the issues that the parties identified in their motions, and the proposals of the other parties. The record in these consolidated proceedings consists of prepared testimony from 13 different parties, and cross-examination of 16 of their witnesses.

### **B. The Motions of MCE and ORA**

The March 2, 2015 motion of MCE, and the April 13, 2015 motion of ORA raise the same consolidation issue. Both motions request that SCE's A.14-10-014, and PG&E's A.15-02-009, be consolidated with R.13-11-007 and SDG&E's A.14-10-014. ORA's motion also requests that after the proceedings are consolidated, that a prehearing conference be scheduled to consider and adopt ORA's proposed California Electric Vehicle Infrastructure Pilot (Cal EVIP), and

that the three electric utilities be required to file new applications for pilot programs that comport with ORA's Cal EVIP.

SDG&E opposes the motion of MCE, and SDG&E and PG&E oppose ORA's motion to consolidate. SDG&E and PG&E contend that ORA's motion to consolidate is improper because it seeks to modify and overturn Decision (D.) 14-12-079 by way of a ruling. SDG&E and PG&E contend that D.14-12-079 specifically allows the Commission to decide each utilities' PEV application on a "case-specific" basis. PG&E also contends that it would be denied due process because if ORA's motion is granted, PG&E would be required to file a new application for a pilot program that comports with ORA's Cal PEVIP proposal, and a hearing on PG&E's proposal would not occur.

SCE opposes the motions of MCE and ORA to consolidate SCE's A.14-10-014 and PG&E's A.15-02-009 with the consolidated proceedings of SDG&E and the OIR. However, SCE supports ORA's request that ORA's Cal PEVIP pilot be approved with certain modifications, and that the three electric utilities be allowed to file Tier 3 advice letters to begin such pilot programs.

Some of the non-utility parties oppose both the MCE and ORA motions because they believe consolidation of the various proceedings could delay the implementation of the PEV programs, and because each utility's proposal is different and may have different business models. Some of these parties contend that ORA's Cal PEVIP proposal should not be used statewide because each utility and region is different.

Other non-utility parties support the motions to consolidate because they believe there are common issues raised in the OIR and in the three utility

applications.<sup>3</sup> These parties favor addressing these common issues before addressing each application, or to develop a pilot program for all three electric utilities.

We have reviewed and considered MCE's March 2, 2015 motion and ORA's April 13, 2015 motion, all of the responses to both motions, and D.14-12-079. MCE's motion to consolidate SDG&E's A.14-04-014 and R.13-11-007 with SCE's A.14-10-014 and PG&E's A.15-02-009, is denied. ORA's motion to consolidate SDG&E's A.14-04-014 and R.13-11-007 with SCE's A.14-10-014 and PG&E's A.15-02-009, and to hold proceedings to consider and adopt ORA's Cal EVIP, is denied.

The denial of both of these motions is based on D.14-12-079. It is clear that the Commission in D.14-12-079 decided to examine "utility requests on a case-specific basis." (D.14-12-079 at 2.) D.14-12-079 specifically states:

We intend to take a more detailed, tailored approach to assessing any proposed utility program based upon the facts of specific requests, the likely competitive impact on the market segment targeted, and whether any anticompetitive impacts can be prevented or adequately mitigated through the exercise of existing rules or conditions. As was done by the Commission in D.12-12-037, review of each utility application will necessarily entail a factual inquiry, including at a minimum, examination of the following:

- 1) The nature of the proposed utility program and its elements; for example, whether the utility proposes to own or provide charging infrastructure, billing services, metering, or customer information and education.
- 2) Examination of the degree to which the market into which the utility program would enter is competitive, and in what level of concentration.

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<sup>3</sup> Two of the parties suggest consolidating PG&E's application, but not SCE's application.

- 3) Identification of potential unfair utility advantages, if any.
- 4) If the potential for the utility to unfairly compete is identified, the commission will determine if rules, conditions or regulatory protections are needed to effectively mitigate the anticompetitive impacts or unfair advantages held by the utility. (*Emphasis added.*)

We also do not believe that consolidation, at this time, will result in a more expeditious disposition of the applications in front of the Commission. Since the SDG&E schedule has gone ahead, a decision in these consolidated proceedings is likely to be adopted before the end of 2015. Also, a schedule has already been established in SCE's A.14-10-014. To address the common policy issues at this point, in a single combined proceeding addressing all three utility applications, would likely delay a decision on PEV infrastructure deployment for all three electric utilities. Parties should be aware that the Administrative Law Judges assigned to these proceedings are aware of the overlapping policy issues and are actively coordinating the proceedings with each other. If the need for consolidation arises in the future, this approach could be revisited as appropriate.

For the reasons set forth above, SCE's A. 14-10-014 and PG&E's A.15-02-009, will not be consolidated with SDG&E's A.14-04-014. Accordingly, the March 2, 2015 motion of MCE to consolidate, and ORA's April 13, 2015 motion to consolidate, is denied. Since the OIR contains similar issues concerning alternative-fueled vehicles, the rulings regarding the motions in A.14-10-014 and A.15-02-009 will address the consolidation issues in the context of those two applications.

As for ORA's request that proceedings be held to consider and adopt its Cal EVIP, that request is also denied. We note that ORA presented testimony

about its Cal EVIP pilot in written testimony at the recent evidentiary hearings, and ORA's witnesses were cross-examined about the Cal EVIP by other parties. Other parties also proposed their own pilot programs. As set forth in the September 29, 2014 scoping memo and ruling in these consolidated proceedings, one of the issues to be examined is the reasonableness of SDG&E's proposed program. Therefore, ORA's proposal is already pending before the Commission and should not be considered and adopted by a ruling, as ORA has requested.

Today's ruling denying consolidation with the PEV applications of SCE and PG&E does not preclude parties from raising the same kinds of issues, or to use the testimony and cross examination developed in these consolidated proceedings, in the SCE or PG&E applications. As PG&E noted at page 4 of its response to ORA's April 13, 2015 motion, "each and every 'policy topic' listed in the motions is addressed or capable of being addressed by the testimony of the parties in each of the individual utility application proceedings...." We recognize that using some of the information developed in SDG&E's application and this OIR may lessen some of the financial and resource burdens of parties participating in the other proceedings that could result from raising the same kinds of issues in multiple dockets. Evidentiary objections to the use of information developed in these consolidated proceedings for use in the SCE and PG&E applications can be taken up in those proceedings at the appropriate time.

### **C. Joint Parties' Motion**

The April 13, 2015 motion of the Joint Parties requests that the scope of the OIR be amended to address a set of fundamental policy questions that they contend are present in all three utility applications. The Joint Parties contend that these three applications all raise the following issues: the potential anti-competitive impact of the participation by the investor-owned utilities in the



PEV service equipment market, and the PEV services market; the appropriate entities and the issues to be addressed in marketing, education, and outreach; site selection and oversight of the selection process for the deployment of the PEV charging stations; the use of ratepayer funds for the programs proposed by the utilities, the size of the programs, the benefits of such programs, and the cost effectiveness of the programs; and the impact the PEV service equipment deployment will have on disadvantaged communities and possible solutions for addressing these impacts.

SDG&E and PG&E oppose the motion of the Joint Parties to amend the scope of the OIR. SDG&E and PG&E contend that the Joint Parties' motion to consolidate is improper because it seeks to modify and overturn D.14-12-079 by way of a ruling. SDG&E and PG&E contend that D.14-12-079 specifically allows the Commission to decide each utilities' PEV application on a "case-specific" basis, and granting the Joint Parties' motion to consider the common policy issues will delay consideration of the applications of both SDG&E and PG&E. In addition, SDG&E contends that many of the issues that the Joint Parties have raised have already been addressed in the OIR and its predecessor proceeding in R.09-08-009.

SCE supports the motion of the Joint Parties to the extent that the Commission should address marketing, education, and outreach issues. SCE contends that some of the common issues raised by the Joint Parties, such as competitiveness and cost effectiveness, were already addressed in D.14-12-079 and should not be relitigated in the OIR. SCE also contends that "to the extent that the discussion on common policy issues will be meaningfully informed by the data gathered from the pilot programs, the Commission should wait to adjudicate those issues." (April 28, 2015 SCE Response at 5.)

Some of the non-utility parties support the motion of the Joint Parties, while others opposed the motion. Those who support the motion contend that it allows the Commission to consider key policy questions for all three electric utilities, and helps to conserve the limited resources of some of the parties. The non-utility parties who oppose the Joint Parties' motion contend that each utility's proposal is different and should be considered by itself. Those parties who oppose the motion also contend that addressing the common policy issues will delay the implementation of the PEV programs.

We have reviewed and considered the April 13, 2015 motion of the Joint Parties, the responses to the motion, D.14-12-079, and the OIR. The Joint Parties' motion to amend the scope of R.13-11-007 is denied for the reasons stated below.

First, as discussed above, the Commission made it clear in D.14-12-079 that each application should be examined on a case specific basis. As pointed out by some of the parties, each of the electric utilities' proposals contain different business models.

Second, the anti-competitive issue raised in the Joint Motion was addressed by the Commission in D.14-12-079. As noted earlier in this ruling, the Commission stated that it will "take a more detailed, tailored approach to assessing any proposed utility program based upon the facts of specific requests, the likely competitive impact on the market segment targeted, and whether any anticompetitive impacts can be prevented or adequately mitigated through the exercise of existing rules or conditions." (D.14-12-079 at 8.)

Third, as PG&E points out, these common policy issues can be addressed in the testimony of the parties in SCE's A.14-10-014 and PG&E's A.15-02-009.

And fourth, the schedule for the OIR already contains three phases addressing a number of other issues.

Accordingly, the April 13, 2015 Joint Parties' motion to amend the scope of the OIR is denied.

Since the three motions have been denied, the filing date for opening and reply briefs in the consolidated SDG&E application and the OIR shall remain unchanged. Pursuant to the May 8, 2015 ruling, opening briefs shall be filed and served by June 5, 2015, and reply briefs shall be filed and served by June 19, 2015.

#### **D. Workshops**

The Joint Parties provided a list of workshops on issues they argued were common to each application and could obviate the need for EHs in each proceeding. Today's ruling does not consolidate the three applications in order to substitute workshops for EH's. However, the Commission's consideration of the OIR, would benefit from targeted workshops on two technical areas: Site Selection Criteria and Data/Performance Metrics Guidelines. Therefore, the Commission's Energy Division will be hosting two workshops in the OIR to address these topics to be noticed separately from this ruling. A detailed agenda for each workshop will be served on the parties in all three applications prior to the workshops.

#### **IT IS RULED that:**

1. The March 2, 2015 "Marin Clean Energy Motion to Consolidate Proceedings" is denied.
2. The April 13, 2015 "Office of Ratepayer Advocates Motion to Consolidate Proceedings and Implement Its Alternative Proposal for Deployment of Investor Owned Utility Electric Vehicle Infrastructure Pilots" is denied.
3. The April 13, 2015 "Joint Party Motion to Amend the Scope of the Rulemaking" is denied.

4. The opening and reply briefs in San Diego Gas & Electric Company's Application 14-04-014 and Rulemaking 13-11-007 shall be filed and served by June 5, 2015, and June 19, 2015, respectively.

5. Energy Division Staff Workshops in Rulemaking 13-11-007 will take place as discussed in the body of this Ruling, and by separate notice.

Dated May 28, 2015, at San Francisco, California.

/s/ CARLA J. PETERMAN

Carla J. Peterman  
Assigned Commissioner

/s/ AMY C. YIP-KIKUGAWA for

Irene K. Moosen  
Administrative Law Judge

/s/ JOHN S. WONG

John S. Wong  
Administrative Law Judge